

Subject: Right of the landholder to exercise his choice retention of land within a ceiling limit under section 8(2)(iii) of the Urban Land (Ceiling and Regulation) Act, 1976.

GOVERNMENT OF MAHARASHTRA
Housing and Special Assistance Department,
Circular No. ULC:1080/(207)/D-XXXV(V),
Mantralaya, Bombay : 400 032.

Dated: 24th April, 1984.

READ: 1) Government Circular, General Administration Department No. ULC:1080/(207)/D. XXXV(V), dated the 5th June, 1980.

11) Government Circular, Housing and Special Assistance Department No. CRT:1081/Writ Petition/873(9)/D.XVII, dated the 9th February 1982.

C I R C U L A R

In amplification of orders issued under Government Circular Housing and Special Assistance Department No. CRT: 1081/Writ Petition/873(9)/D.XVII, dated the 9th February, 1982 and taking into consideration the judgement delivered by the Bombay High Court in the Writ Petition No. 873 of 1979 relating to the case of Govardnolal Nandlal Kumar V/s. State of Maharashtra, Government is pleased to issue following instructions for the guidance of all Competent Authorities under the Urban Land (Ceiling and Regulation) Act, 1976.

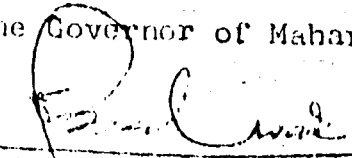
1. Under Section 8(2)(iii) of the Urban Land (Ceiling and Regulation) Act, 1976, the landholder is required to give his choice of land which he desires to retain, within the ceiling limit.
2. The choice to retain the land so exercised by the landholder is not an empty formality, and the Competent Authority cannot deprive the landholder of his choice merely on the ground that the exercise of this choice may

not be suitable to Government.

3. The Choice exercised by the landholder for retention of the land cannot be turned down except for valid reasons which have to be assigned by the Competent Authority. The Competent Authority may reject the choice exercised by the landholder if the choice is purposely so exercised as to prevent the utilisation of the land vested in Government as by leaving the surplus plot in an inaccessible and in an unbuildable form or in an odd shape, even though it was possible to demarcate the retainable land in a manner which leaves the plot vested in the Government in a more desirable form.

The Competent Authority should, therefore, carefully scrutinise the choice exercised by the landholder and take appropriate decision.

By order and in the name of the Governor of Maharashtra,


(P. W. Malwade), 26/4/89

Under Secretary to Government.

Copy to:-

All Competent Authority (ULC),

Additional Collector & Competent Authority (ULC),
Bombay.

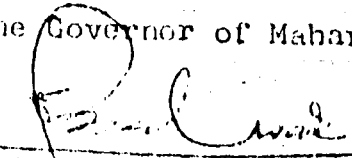
Law and Judiciary Department, Mantralaya,
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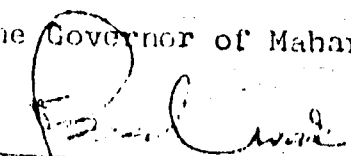
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